

71-6117-02

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>3/3/08</u>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
THOMAS JERMYN, on behalf of himself  
and all others similarly situated,

Plaintiff,

-against-

BEST BUY CO., INC.,

Defendant.

CIVIL ACTION NO. 08 CV 00214 (cm)

**PROPOSED ORDER**

**[STIPULATION ALLOWING  
PLAINTIFF TO AMEND COMPLAINT  
AND BEST BUY CO., INC. TO EXTEND  
TIME TO ANSWER OR OTHERWISE  
RESPOND TO PLAINTIFF'S  
COMPLAINT]**

----- X

Pursuant to the Stipulation Allowing Plaintiff to Amend Complaint and Best Buy Co., Inc. to Extend Time to Answer or Otherwise Respond to Plaintiff's Complaint, Plaintiff will serve and file an amended complaint to substitute Best Buy Stores, L.P. for Best Buy Co., Inc. as the proper defendant and to correct various typographical date errors contained within the complaint (herein referred to as "first amended complaint"). The filing and service of this first amended complaint will not limit Plaintiff's ability to amend once as a matter of course at any time before a responsive pleading is served per Fed. R. Civ. P. 15(a). In exchange, Best Buy Stores, L.P. will respond to Plaintiff's first amended complaint by March 19, 2008, or within 20 days after service of the first amended complaint or a subsequent amended complaint as allowed by Rule 15(a), whichever date is later.

**SO ORDERED.**Dated: 3 March, 2008


United States Judge  
Colleen McMahons

LAW OFFICES OF

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
THOMAS JERMYN, on behalf of himself : CIVIL ACTION NO. 08 CV 00214 (CJW)  
and all others similarly situated, :  
Plaintiff, : ECF ACTION  
-against- :  
BEST BUY CO., INC., : STIPULATION ALLOWING  
Defendant. : PLAINTIFF TO AMEND COMPLAINT  
AND BEST BUY CO., INC. TO EXTEND  
TIME TO ANSWER OR OTHERWISE  
RESPOND TO PLAINTIFF'S  
COMPLAINT

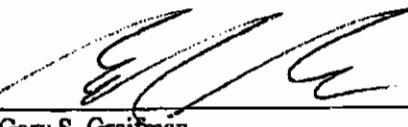
----- X

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Thomas Jermyn and Defendant Best Buy Co., Inc. that Plaintiff will serve and file an amended complaint to substitute Best Buy Stores, L.P. for Best Buy Co., Inc. as the proper defendant and to correct various typographical date errors contained within the complaint (herein referred to as the forthcoming "first amended complaint"). The filing and service of this first amended complaint will not limit Plaintiff's ability to amend once as a matter of course at any time before a responsive pleading is served per Fed. R. Civ. P. 15(a). In exchange, Best Buy Stores, L.P. will respond to Plaintiff's first amended complaint by March 19, 2008, or within 20 days after service of the first amended complaint or a subsequent amended complaint as allowed by Rule 15(a), whichever date is later.

DATED: February 26, 2008

**KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C.**

By:

  
Gary S. Graifman  
Michael L. Braunstein

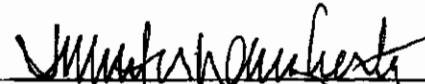
747 Chestnut Ridge Road  
Chestnut Ridge, NY 10977  
Tel: 845-356-2570

ATTORNEYS FOR PLAINTIFF THOMAS JERMYN

DATED: February 26, 2008

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

By:

  
Anne M. Lockner (*pro hac pending*)  
Jennifer G. Daugherty (*pro hac pending*)

2800 LaSalle Plaza  
800 LaSalle Avenue  
Minneapolis, MN 55402-2015  
Tel: (612) 349-8500  
Fax: (612) 339-4181

ATTORNEYS FOR DEFENDANT BEST BUY CO., INC.